

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE WAGNER,

Plaintiff,

v.

MERCHANTS CREDIT ADJUSTERS,
INC.,

Defendant.

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8:08CV128

ORDER ON DEFENDANT MERCHANTS
CREDIT ADJUSTERS, INC.'S MOTION
TO DISMISS COUNTERCLAIM

This matter is before the court on Defendant Merchants Credit Adjusters, Inc.'s Motion to Dismiss Counterclaim. Filing No. 11. The court, being fully advised of the matter finds that Defendant Merchants Credit Adjusters, Inc.'s Motion to Dismiss its Counterclaim satisfies the requirements of Fed. R. Civ. P. 41(a)(1)(c) should be granted.

IT IS ORDERED THAT:

1. Defendant Merchants Credit Adjusters, Inc.'s Counterclaim, only, Filing No. 6, is dismissed without prejudice; and
2. Plaintiff's Motion to Dismiss Defendant's Counterclaim, Filing No. 9, is denied as moot.

DATED this 6th day of May, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge